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19 Attorneys for Defendants
20 BUTTE COUNTY DEFENDANTS

21 **UNITED STATES DISTRICT COURT**
22 **EASTERN DISTRICT OF CALIFORNIA**

23 CANNON HUGH DANIELS, deceased;
24 decedent's wife, ARIELE ROSTAMO aka
25 ARIELE NELSON; decedent's mother,
SUSAN ADELL DANIELS; and decedent's
father, JOSEPH ALBERT DANIELS, IV,
individually,

26 Plaintiff,

27 **Case No.: 2:21-cv-00277-JAM-JDP**

28 **STIPULATION AND ORDER REGARDING
DEFENDANTS' OPPOSITIONS TO PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT AND
DEFENDANTS' CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

29 vs.
30 CALIFORNIA FORENSIC MEDICAL
31 GROUP, INC., WELLPATH
32 MANAGEMENT, INC., BUTTE COUNTY,
33 S. Parker, D. Brownfield, Sergeant Turner,
34 Sergeant Behlke, Deputy Darnell, Deputy
35 Smith, Deputy Yee, Deputy Bazan, Deputy
36 Thornton, Sergeant Mell, Deputy Lazurenko,
37 Deputy LaRue, Deputy Ogden, Deputy
38 Mayfield, Deputy Davis, Deputy Tauscher and
39 Lt. Jarrod Agurkis, SACRAMENTO
40 COUNTY, Officer McKersie, Sergeant Bunn,
41 Sergeant Jenkins, Officer Rickett, Lieutenant
42 Hodgkins, Officer Gailey, Officer Tallman,
43 Officer Pomosson, and Officer Folena
44 Defendants.

45 Complaint Filed: 02/11/2021

Having previously met and conferred regarding the parties' intention to file cross-motions for summary judgment, IT IS HEREBY STIPULATED by and between Plaintiffs Arielle Rostamo aka Arielle Nelson, Susan Adell Daniels, and Joseph Albert Daniels ("Plaintiffs"), and Defendants California Forensic Medical Group Inc. ("CFMG"), Wellpath Management, Inc. ("Wellpath"), and County of Butte ("the County") (collectively "Defendants") (Plaintiffs and Defendants collectively referred to as "the Parties"), through their respective counsels of record, as follows:

1. Pursuant to a Scheduling Order previously issued by this Court, the prior dispositive motion filing deadline in this matter was June 23, 2023, with a hearing date of August 22, 2023, at 1:30 p.m.
2. The Court's Status (Pre-trial Scheduling) Order provides that "[a]t least 28 days before the dispositive motions filing deadline, the parties must meet and confer to determine whether they intend to file cross-motions for summary judgment." (ECF No. 35.)
3. Pursuant to the Court's Status (Pre-trial Scheduling) Order, on or about May 8, 2023, counsel for Plaintiffs and Defendants began corresponding to meet and confer regarding the filing of cross-motions for summary judgment.
4. On or about May 25, 2023, the parties further met and conferred regarding the contemplated cross-motions for summary judgment but were unable to informally resolve the issues raised during the conference and agreed that the parties would file cross-motions for summary judgment in this matter.
5. The Status (Pre-trial Scheduling) Order further provides that "Plaintiff's opening brief . . . shall be filed at least 14 days before the dispositive motion filing deadline."
6. On or about June 9, 2023, fourteen days between the June 23, 2023, dispositive motion filing deadline, Plaintiffs filed their Motion for Partial Summary Judgment. (ECF No. 47.) Plaintiffs noticed the hearing date for August 22, 2023, at 1:30 p.m. in Courtroom 6. (*Id.*)
7. The Court's Status (Pre-trial Scheduling) Order provides that "The plaintiff's concurrently-filed notice of motion shall indicate the parties' intention to file cross motions and shall notice a hearing date at least 42 days from the date of filing."
8. Plaintiffs' Motion for Partial Summary Judgment mistakenly did not include the language indicating the Parties' intent to file cross-motions for summary judgment, which is referenced in paragraph 7 above. (See ECF No. 46.)

- 1 9. On or about June 12, 2023, the Court issued a Minute Order indicating the Court was unavailable to
- 2 hear Plaintiffs' Motion on August 22, 2023. (ECF No. 53.)
- 3 10. On or about June 13, 2023, Plaintiffs filed an Amended Notice of Motion and Motion for Partial
- 4 Summary Judgment, set to be heard on September 12, 2023, at 1:30 p.m. (ECF No. 54.)
- 5 11. The Court's Status (Pre-trial) Scheduling Order provides that "Defendant's opposition and cross
- 6 motion for summary judgment . . . shall be filed at least 28 days before the hearing." (ECF No. 35.)
- 7 12. Pursuant to the Court's Status (Pre-trial) Scheduling Order, Defendants planned to file their
- 8 Oppositions and Cross-Motions for Summary Judgment on August 15, 2023, to be heard with
- 9 Plaintiffs' Motion on September 12, 2023.
- 10 13. On August 11, 2023, the Court issued a Minute Order noting that Defendants have not filed
- 11 Oppositions to Plaintiffs' Motion and ordered Defendants to file Oppositions on or before August 18,
- 12 2023. (ECF No. 46.)
- 13 14. On August 11, 2023, counsel for the County of Butte informed the Court that the Parties had met and
- 14 conferred regarding cross-motions for summary judgment, and that Defendants were planning to file
- 15 their Oppositions and Cross-Motions on August 15, 2023.
- 16 15. The Court informed the Parties that they should file a stipulation and proposed order indicating the
- 17 parties' intent to file cross-motions for summary judgment, and that if the stipulation is approved, the
- 18 hearing on the cross-motions will be scheduled for October 10, 2023, at 1:30 p.m.
- 19 16. Given the foregoing, the Parties hereby stipulate that Defendants be afforded the opportunity to file
- 20 Cross-Motions for Summary Judgment, to be heard concurrently with Plaintiffs' Motion for Partial
- 21 Summary Judgment, on October 10, 2023, at 1:30 p.m.
- 22 17. The Parties further stipulate that, pursuant to the Court's Status (Pre-trial Scheduling) Order (ECF
- 23 35): (1) The deadline for Defendants to file their Oppositions and Cross-Motions for Summary
- 24 Judgment shall be 28-days before the hearing date on the Motions; (2) the deadline for Plaintiffs to
- 25 file their Oppositions to the Cross-Motions and their Reply for their Partial Motion for Summary
- 26 Judgment shall be 14-days before the hearing date; and (3) the deadline for Defendants to file their
- 27 Replies for their Cross-Motions shall be 7 days before the hearing date.
- 28

1 **IT IS SO STIPULATED.**

2 Date: August 14, 2023

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4 ANDREW E. BAKOS & ASSOCIATES, P.C.

5
6
7 By /s/ Andrew Bakos
8 Andrew Bakos
9 Attorney for Plaintiffs

10 Date: August 14, 2023

11 D.B. HILL, A PROFESSIONAL LAW CORPORATION

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13
14 By /s/ Dennis B. Hill
15 Dennis B. Hill
16 Attorney for Plaintiffs

17 Date: August 14, 2023

18 LAW OFFICES OF JEROME M. VARANINI

19
20
21 By /s/ Jerome M. Varanini
22 Jerome M. Varanini
23 Attorney for Defendants CALIFORNIA
24 FORENSIC MEDICAL GROUP, INC., and
25 WELLPATH MANAGEMENT, INC

26 Date: August 14, 2023

27 PORTER | SCOTT
28 A PROFESSIONAL CORPORATION

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31 By /S/ Alison J. Southard
32 William E. Camy
33 Alison J. Southard
34 Attorneys for Butte County Defendants

ORDER

Pursuant to the foregoing stipulation of the parties, and good cause appearing therefore, IT IS
HEREBY ORDERED as follows:

1. Plaintiffs' Motion for Summary Judgment and Defendants' Cross-Motions for Summary Judgment shall be heard on **October 17, 2023, at 1:30 p.m.**¹;
2. Pursuant to the Court's prior scheduling order, the deadline for Defendants to file Oppositions to Plaintiffs' Motion for Summary Judgment and Cross-Motions shall be **28 days** before the hearing date;
3. The deadline for Plaintiffs to file their Replies for their Partial Motion for Summary Judgment and their Oppositions to Defendants' Cross-Motions shall be **14 days** before the hearing date; and
4. The deadline for Defendants to file their Replies for their Cross-Motions for Summary Judgment shall be **7 days** before the hearing date.

IT IS SO ORDERED.

Dated: August 14, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

¹Calendars are subject to last minute changes. October 17, 2023 is the Court's next civil law and motion calendar. The briefing deadlines are in accordance with this date.